

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSE SIMPKINS,

Plaintiff, No. CIV S-04-1433 DFL PAN P

vs.

FOOTHILL ORTHOPEDIC, et al.,

Defendants. ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On March 16, 2006, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Neither party has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

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1. The findings and recommendations filed March 16, 2006 are adopted in full;

and

2. Plaintiff's claims against defendant Sydenstricker are dismissed without prejudice. See Fed. R. Civ. P. 41(b); 4(m).

DATED: 5/18/2006

Dav. F. Levi

DAVID F. LEVI
United States District Judge